**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Civil Contempt Petition No. 152 of 2007**

Hari Om Sharma, S/O Sri Kallumal, through M/s Tika Ram Kallumal, Jwala Line, Ram Nagar, District Nainital.

……..Applicant.

**Versus**

Smt. Urmila Chaudhary, W/O Sri Bhagirath Lal Chaudhary, President, Nagar Palika Parishad, Ram Nagar, District Nainital.

……Opposite Party.

**Sri Alok Mehra holding brief of Sri Manoj Tiwari, learned counsel for petitioner.**

**Dated July, 24, 2007.**

**Hon'ble B.S. Verma, J.**

This contempt petition has been moved to punish the opposite party for committing willful disobedience of the order of this Court dated 25-5-2007 passed in Second Appeal No. 22 of 2006 Nagal Palika Parishad Ram Nagar Vs. Sri Hari Om Sharma. By the said order, the Second Appeal was dismissed and the mandatory injunction granted in favour of the plaintiff-applicant was confirmed.

Alternative remedy is available to the applicant to execute the decree. The decree passed by the trial court has already merged in the decree passed by the Second Appellate Court. The petitioner may apply for execution of the decree before the trial court.

On the ground of alternative remedy, the contempt petition is dismissed.

**(B.S. Verma, J.)**

RCP